



Substitute House Bill No. 5781

Public Act No. 06-193

***AN ACT CONCERNING CRIMINAL JUSTICE POLICY AND
PLANNING AND THE ESTABLISHMENT OF A SENTENCING TASK
FORCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 18-81w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) The [Departments of Correction, Mental Health and Addiction Services and Social Services and the Labor Department, the Board of Pardons and Paroles and the judicial branch shall collaborate to] Criminal Justice Policy and Planning Division within the Office of Policy and Management shall develop and implement a comprehensive reentry strategy that provides a continuum of custody, care and control for offenders who are being supervised in the community, especially those offenders who have been discharged from the custody of the Department of Correction, and assists in maintaining the prison population at or under the authorized bed capacity. The reentry strategy shall support the rights of victims, protect the public and promote the successful transition of offenders from incarceration to the community by (1) maximizing any available period of community supervision for eligible and suitable offenders, (2) identifying and addressing barriers to the successful transition of

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offenders from incarceration to the community, (3) ensuring sufficient criminal justice resources to manage offender caseloads, (4) identifying community-based supervision, treatment, educational and other services and programs that are proven to be effective in reducing recidivism among the population served by such services and programs, and (5) establishing employment initiatives for offenders through public and private services and partnerships by reinvesting any savings achieved through a reduction in prison population.

(b) The success of the reentry strategy shall be measured by: (1) The rates of recidivism and community revictimization, (2) the number of inmates eligible for release on parole, transitional supervision, probation or any other release program, (3) the number of inmates who make the transition from incarceration to the community in compliance with a discharge plan, (4) prison bed capacity ratios, (5) the adequacy of the network of community-based treatment, vocational, educational, supervision and other services and programs, and (6) the reinvestment of any savings achieved through a reduction in prison population into reentry and community-based services and programs.

(c) Not later than January 1, [2005] 2007, and annually thereafter, the [Department of Correction] Criminal Justice Policy and Planning Division within the Office of Policy and Management shall submit a report, in accordance with the provisions of section 11-4a, on the success of the reentry strategy based on the measures set forth in subsection (b) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to corrections, public safety and appropriations and the budgets of state agencies.

Sec. 2. Section 4-68m of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

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(a) There is established a Criminal Justice Policy and Planning Division within the Office of Policy and Management. The division shall be under the direction of an undersecretary.

(b) The division shall develop a plan to promote a more effective and cohesive state criminal justice system and, to accomplish such plan, shall:

- (1) Conduct an in-depth analysis of the criminal justice system;
- (2) Determine the long-range needs of the criminal justice system and recommend policy priorities for the system;
- (3) Identify critical problems in the criminal justice system and recommend strategies to solve those problems;
- (4) Assess the cost-effectiveness of the use of state and local funds in the criminal justice system;
- (5) Recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice system;
- (6) Advise and assist the General Assembly in developing plans, programs and proposed legislation for improving the effectiveness of the criminal justice system;
- (7) Make computations of daily costs and compare interagency costs on services provided by agencies that are a part of the criminal justice system;
- (8) Make population computations for use in planning for the long-range needs of the criminal justice system;
- (9) Determine long-range information needs of the criminal justice system and acquire that information;

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(10) Cooperate with the Office of the Victim Advocate by providing information and assistance to the office relating to the improvement of crime victims' services;

(11) Serve as the liaison for the state to the United States Department of Justice on criminal justice issues of interest to the state and federal government relating to data, information systems and research;

(12) Measure the success of community-based services and programs in reducing recidivism; [and]

(13) Develop and implement a comprehensive reentry strategy as provided in section 18-81w, as amended by this act; and

[(13)] (14) Engage in other activities consistent with the responsibilities of the division.

(c) In addition to the division's other duties under this section, the division may perform any function described in subsection (b) of this section to promote an effective and cohesive juvenile justice system.

(d) In the performance of its duties under this section, the division shall collaborate with the Department of Correction, the Board of Pardons and Paroles, the Department of Mental Health and Addiction Services and the Department of Public Safety and consult with the Chief Court Administrator, the executive director of the Court Support Services Division of the judicial branch, the Chief State's Attorney and the Chief Public Defender.

(e) (1) At the request of the division, the Department of Correction, the Board of Pardons and Paroles, the Department of Mental Health and Addiction Services, the Department of Public Safety, the Chief Court Administrator, the executive director of the Court Support Services Division of the judicial branch, the Chief State's Attorney and

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the Chief Public Defender shall provide the division with information and data needed by the division to perform its duties under subsection (b) of this section.

(2) The division shall have access to individualized records maintained by the judicial branch and the agencies specified in subdivision (1) of this subsection as needed for research purposes. The division, in collaboration with the judicial branch and the agencies specified in subdivision (1) of this subsection, shall develop protocols to protect the privacy of such individualized records consistent with state and federal law. The division shall use such individualized records for statistical analyses only and shall not use such records in any other manner that would disclose the identity of individuals to whom the records pertain.

(3) Any information or data provided to the division pursuant to this subsection that is confidential in accordance with state or federal law shall remain confidential while in the custody of the division and shall not be disclosed.

(f) Not later than January 15, 2007, the division shall submit the plan developed pursuant to subsection (b) of this section to the Governor and, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice, public safety and appropriations and the budgets of state agencies. Not later than January 15, 2009, and biennially thereafter, the division shall update such plan and submit such updated plan to the Governor and said legislative committees.

Sec. 3. Section 4-68p of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

Not later than January first of each year, the Criminal Justice Policy

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and Planning Division within the Office of Policy and Management shall submit a report, in accordance with section 11-4a, and make a presentation to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice and appropriations and the budgets of state agencies concerning its activities and recommendations under section 4-68m and specifying the actions necessary to promote an effective and cohesive criminal justice system. The report shall estimate the amount of savings inuring to the benefit of the state on account of the actual prison population being less than projected prior to the adoption of prison overcrowding reduction policies and make recommendations as to the manner in which a portion of such cost savings may be reinvested in community-based services and programs and community supervision by probation and parole officers in order to maintain that reduction in projected prison population. Beginning with the report to be submitted and the presentation to be made not later than January 1, 2008, the division shall include an assessment of the status of the development and implementation of the reentry strategy under section 18-81w, as amended by this act.

Sec. 4. Section 18-87j of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

There is established a [Commission on Prison and Jail Overcrowding] Criminal Justice Policy Advisory Commission which shall be within the Office of Policy and Management for administrative purposes only. The commission shall consist of the undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, the Chief Court Administrator, the Commissioner of Correction, the Commissioner of Public Safety, the Chief State's Attorney, the Chief Public Defender, the Commissioner of Mental Health and Addiction Services and the chairperson of the

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Board of Pardons and Paroles, or their designees, the executive director of the Court Support Services Division or other designee of the Chief Court Administrator and the following members, each of whom shall be appointed by the Governor: Three government officials, a police chief, two persons representing offender and victim services within the private community and two public members. In addition, the Labor Commissioner and the Commissioner of Social Services, or their designees, shall be members of the commission with authority to deliberate and vote on matters concerning employment and entitlement programs available to adult and juvenile offenders who are reentering the community, and the Commissioner of Children and Families and the Commissioner of Education, or their designees, shall be members of the commission with authority to participate and vote on matters concerning juvenile justice. The undersecretary of the Criminal Justice Policy and Planning Division shall serve as chairperson of the commission. The commission shall meet at such times as it deems necessary.

Sec. 5. Section 18-87k of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) The [commission] Criminal Justice Policy Advisory Commission shall: (1) Develop and recommend policies for preventing prison and jail overcrowding; (2) examine the impact of statutory provisions and current administrative policies on prison and jail overcrowding and recommend legislation to the Governor and the General Assembly; [and] (3) research and gather relevant statistical data and other information concerning the impact of efforts to prevent prison and jail overcrowding and make such information available to criminal justice agencies and members of the General Assembly; (4) advise the undersecretary of the Criminal Justice Policy and Planning Division on policies and procedures to promote more effective and cohesive state

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criminal justice and juvenile justice systems and to develop and implement the offender reentry strategy as provided in 18-81w, as amended by this act; and (5) assist the undersecretary of the Criminal Justice Policy and Planning Division in developing the recommendations included in the report and presentation made by the division pursuant to section 4-68p, as amended by this act.

(b) The commission shall establish a subcommittee on corrections behavioral health composed of the Commissioner of Correction, the Commissioner of Mental Health and Addiction Services and a representative of The University of Connecticut Health Center having responsibility for the administration of the contract with the Department of Correction concerning the provision of health care services to inmates of the department. The subcommittee shall make recommendations to the commission concerning the provision of behavioral health services to inmates of the Department of Correction.

Sec. 6. (*Effective July 1, 2006*) (a) There is established a Connecticut Sentencing Task Force to review criminal justice and sentencing policies and laws of this state for the purpose of creating a more just, effective and efficient system of criminal sentencing.

(b) The task force shall be composed of the following members:

(1) The chairpersons and ranking members of the joint standing committee of the General Assembly on the judiciary;

(2) Two judges of the superior court, each of whom shall have been a judge for at least ten years and have at least five years experience presiding over cases in judicial district criminal courts, appointed by the Chief Court Administrator;

(3) Two state's attorneys each of whom shall have at least ten years experience as a prosecuting attorney and at least five years experience prosecuting cases in judicial district criminal courts, appointed by the

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Chief State's Attorney;

(4) Two public defenders each of whom shall have at least ten years experience as a public defender and at least five years experience representing defendants in judicial district criminal courts, appointed by the Chief Public Defender;

(5) Two criminal defense lawyers each of whom shall have at least fifteen years experience representing defendants in criminal cases, one of whom shall be appointed by the criminal justice section of the Connecticut Bar Association and one of whom shall be appointed by the Connecticut Criminal Defense Lawyers Association;

(6) The executive director of the Court Support Services Division of the Judicial Branch or the executive director's designee;

(7) The Commissioner of Correction or the commissioner's designee;

(8) The Chairperson of the Board of Pardons and Paroles or the chairperson's designee;

(9) The Commissioner of Mental Health and Addiction Services or the commissioner's designee;

(10) The Victim Advocate or the Victim Advocate's designee;

(11) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management;

(12) An assistant attorney general, appointed by the Attorney General;

(13) Three municipal police chiefs, one of whom shall represent an urban area, one of whom shall represent a suburban area and one of whom shall represent a rural area, appointed by the Connecticut Police Chiefs Association; and

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(14) Six members of the General Assembly, appointed one each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives.

(c) The chairpersons of the joint standing committee of the General Assembly on the judiciary shall serve as chairpersons of the task force.

(d) The task force shall:

(1) Identify overarching criminal justice and sentencing goals and policies;

(2) Define current sentencing models including sentencing guidelines, criteria, exemptions and enhancements;

(3) Analyze sentencing trends by offense types and offender characteristics;

(4) Review the actual versus intended impact of sentencing policies;

(5) Determine the direct and indirect costs associated with sentencing policies;

(6) Review the fines and terms of imprisonment specified for violations of criminal statutes that are classified or unclassified felonies or misdemeanors and make recommendations including, but not limited to: (A) Whether crimes that are currently unclassified should be classified; (B) whether certain classified crimes should be reclassified or the penalties for certain unclassified crimes should be revised in order to make the penalties for similar crimes more uniform; (C) whether the penalty or type of penalty for certain crimes should be revised or eliminated where such penalty or type of penalty is no longer deemed necessary or appropriate or is disproportionate to the

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severity of the crime; and (D) whether crimes that are obsolete should be repealed; and

(7) Make any recommendations for the revision of criminal justice and sentencing policies as deemed necessary.

(e) The Criminal Justice Policy and Planning Division within the Office of Policy and Management shall assist the task force by providing criminal justice data, analyses and technical assistance necessary for the task force to carry out its duties.

(f) The task force may request any office, department, board, commission or other agency of the state to supply such reports, information and assistance as may be necessary or appropriate in order for the task force to carry out its duties. Each officer or employee of such office, department, board, commission or other agency of the state is authorized and directed to cooperate with the task force and to furnish such reports, information and assistance.

(g) The task force shall report its findings and recommendations to the joint standing committee of the General Assembly on the judiciary in accordance with section 11-4a of the general statutes not later than December 1, 2008. The task force shall terminate upon the completion of its duties.

Approved June 9, 2006